

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 6, 2003
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia Conner, Assistant City Attorney Emanuel McGirt, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance.

The Mayor read proclamations declaring October as Disability Awareness Month and Domestic Violence Month, October 5-11, 2003 as Fire Prevention Week and September 29 – October 4, 2003 as Race Equality Week.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Conner congratulated Eric Walker of the Audit Services Department for passing the Certified Fraud Exam. Also, she requested that Consent Agenda Item #25 [Development Ventures - Golden Belt Window Installations] be postponed; GBA Item #46 [Zuri and Associates Request for Loan Prepayment] be referred to the October 9, 2003 Work Session; provided additional handouts for Consent Agenda Item #45 [Events Center Proposal] and GBA #48 [Amendment to Economic Development Initiative Sub-recipient Agreement with Calvary Ministries]. Further, she announced a Joint Meeting of the City Council, Durham Delegation and the Human Relations Commission for October 7 at 2:00 p.m. to discuss the possibility of introducing enabling legislation for EEOC enforcement.

Assistant City Attorney McGirt read the following disclosure statement of Mayor Bell's relationship with UDI in light of the City's contract with them:

The Mayor of the City of Durham is employed in a full-time salaried position as an Executive Vice President of UDI Community Development Corporation, a North Carolina nonprofit corporation ("UDI"). According to the articles of incorporation, the purposes of the nonprofit corporation are exclusively charitable, scientific and educational. These purposes include raising the economic welfare, employment, business enterprise, affordable housing and educational opportunities of low income and underprivileged residents of Durham, with a focus on black and other minority persons.

The City of Durham entered into a contract with UDI some years ago, prior to the election of William Bell as Mayor, to sell UDI property at below market rates. In return for the provision of these lots, UDI would develop dwelling units on the

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properties which would be affordable by and be sold to citizens with incomes below area median incomes. The City of Durham previously invested some CDBG money into the property in the form of site improvements. At this time, UDI has completed prior development of several lots, and under the contract, the City would now deed the remaining lots to UDI at the contract price. The Mayor does not work on the project for UDI and states that he would not be involved in any manner in administering or overseeing performance of the contract by UDI. The Mayor indicates that he has no ownership interest in UDI and that his salary and position with UDI will not be affected by the contract. The Mayor also indicates that it is his intention not to vote on any matters that may come before the City Council pursuant to this contract. It is the City Attorney's opinion that this contract does not violate a conflict of interest in relationship to the Mayor and the City of Durham.

City Clerk Gray noted the valid protest petition filed against GBA #38 [Rezoning Case P02-55 Belvins Property] is no longer sufficient due to withdrawal of signatures.

Council Member Clement thanked Mike Shiflett, Cheryl Sweeny, Charlene Montford and the Housing Department for sponsoring the Neighborhood Summit on September 27, 2003, commented on THE HERALD-SUN editorial entitled "City Getting Tough with Rentals" and noted Nelly's Pimp Juice should be banned from coming to Durham.

Mayor Bell thanked General Services for improving the appearance of the park near City Hall.

At this time, Consent Agenda Item #34 [Monthly Crime Report] was discussed.

SUBJECT: MONTHLY CRIME REPORT – JULY & AUGUST 2003

To receive the Monthly Crime Report from the Police Department.

Major Ron Hodge, of the Police Department, provided a revised handout and gave a Power Point presentation on the monthly crime report for July and August 2003.

Council Member Clement made comments regarding the Police Department improving the clearance rate.

Council held discussion on how break-ins are counted, status of crime analyst position, amount of time spent on foot patrol and what's driving the increase in property crimes.

Mayor Bell requested the administration to include in the monthly report the Citizens Patrol Car program and its effectiveness.

NOTE: Council action was taken on this item later in the meeting.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items #17 [WIA Contract for Youth Services with DPS], #18 [WIA

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Contract for Youth Services with Social Services]; 19 [WIA Youth Services Contract with Center for Employment and Training]; 20 [WIA Contract for Younger Youth Skill Attainment System]; 24 [Contract Agreement with Consumer Credit Counseling Service of Durham]; 33 [2004 Benefits Recommendation]; 43 [Audrey Mitchell]; and 45 [Events Center Proposals] were pulled from the Consent Agenda.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve City Council minutes for the September 2, 2003 regular City Council Meeting; and

To approve City Council action taken at the September 4, 2003 City Council Work Session was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LYON PARK ADVISORY BOARD - APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Clarissa L. Grady (representing the Lyon Park Neighborhood) and Brandon Douglas (representing the Lakewood Neighborhood) to the Lyon Park Advisory Board with terms expiring June 30, 2004 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM BOARD OF ADJUSTMENT - APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Jeff Furman to the Durham Board of Adjustment as a Regular Member with a term expiring on June 30, 2004 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION - RECEIPT AND ACCEPTANCE OF APPLICATIONS

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill three (3) vacancies on the Durham Bicycle & Pedestrian Advisory Commission with one term expiring on August 31, 2004 and two terms expiring on August 31, 2006 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: HISTORIC PRESERVATION COMMISSION - RECEIPT AND ACCEPTANCE OF AN APPLICATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) Regular Member vacancy for an Architect on the Historic Preservation Commission with the term expiring on September 1, 2006 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute contracts as listed; and

To authorize the City Manager to make changes to contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amt
Piedmont Geologic	Environmental Assessment-Signal & Sign Shop	Gen Ser	\$ 12,974.00
CTL Engineering	Phase 1 Environmental Assessment of Cook Road Park	Gen Ser	\$ 1,400.00
National Safety Auditors, Inc	Fire Extinguisher& SCBA Cylinder Testing & Service	Finance/Fire	\$ 5,000.00
Adm. Office of the Court	Fund 1 part time judge and 1 full time legal assistant-domestic violence unit	Police	\$ 75,000.00
Eric Spencer	Official	P&R	\$ 2,500.00
Delores Napper-Bay	Computer training-Lyon Park	P&R	\$ 3,920.00
Anthony Petterson	Official	P&R	\$ 2,500.00
Christopher Chamis	PA technician Senior Holiday Party	P&R	\$ 150.00
Guilford College	ArcGIS I & II Training	PW	\$ 8,550.00

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**SUBJECT: MARRIOTT AT THE DURHAM CIVIC CENTER REFINANCING
(SHANER HOTEL GROUP)**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the report on the refinancing of the Marriott at the Durham Civic Center was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BID REPORT – JULY 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes bids which were acted upon by the City Manager during the month of July 2003 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

September 5, 2003

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **July 2003**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Replace the HVAC Compressor at the Carolina Theatre**

Purpose of Bid:

Comments:

Opened: July 14, 2003

Bidders:	Brady Services	* \$12,308.00
	Greensboro, NC	
	Comfort Engineers	\$12,680.00
	Durham, NC	
	Carolina Chiller Service	\$12,705.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	243		# Black Males	6	3%
Total # Females	54	22%	# White Males	181	74%
Total # Males	189	78%	# Other Males	2	1%
			# Black Females	0	0%
			# White Females	53	21%
			# Other Females	1	1%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Project Management Software

Purpose of Bid: To purchase additional software licenses and training

Comments: A contract was awarded to Meridan Project Systems in March 2003 for the purchase of Project Management Software.

Opened: January 7, 2003

Bidders: Meridan Project Systems, Inc. (score 58.3) * \$11,000.00
Merritt Island, FL

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	96		# Black Males	0	0%
Total # Females	33	34%	# White Males	53	55%
Total # Males	63	66%	# Other Males	10	11%
			# Black Females	2	2%
			# White Females	24	25%
			# Other Females	7	7%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Container Service at the SDWRF

Purpose of Bid: To provide the South Durham Water Reclamation Facility with a contract for container service. The waste product is the sludge left over from the de-watering process.

Comments:

Opened: July 14, 2003

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Bidders:	Waste Industries, LLC	* \$25,177.50
	Durham, NC	
	BFI Waste Services, LLC	\$30,199.50
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	2782		# Black Males	982	35.3%
Total # Females	376	13.5%	# White Males	1308	47%
Total # Males	2406	86.5%	# Other Males	116	4.2%
			# Black Females	82	3.0%
			# White Females	290	10.4%
			# Other Females	4	0.1%

LOCATION OF COMPANY PERFORMING CONTRACT

Durham, NC

Total Workforce	101		# Black Males	60	59%
Total # Females	16	16%	# White Males	21	21%
Total # Males	85	84%	# Other Males	4	4%
			# Black Females	11	11%
			# White Females	5	5%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

4. Bid: Office Supply Contract

Purpose of Bid: To establish an office supply contract

Comments: Office Depot is representing U.S. Communities. U.S. Communities is a nonprofit instrumentality of government that assists public agencies in reducing the cost of purchased goods through pooling the purchasing power of public agencies nationwide. This is accomplished through competitively solicited contracts for quality products through lead public agencies. The City of Greensboro and Charlotte/Mecklenburg County also participate in this co-op contract.

Opened: July 21, 2003

Bidders:	Office Depot	* \$41,477.54
	Charlotte, NC	
	Kennedy Office Supply	\$47,990.52
	Durham, NC	
	Brame Office Products	\$48,982.47
	Durham, NC	

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Corporate Express Raleigh, NC	\$49,885.26
Prestige Office Supply Durham, NC	\$54,761.14

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	36079		# Black Males	3652	10.1%
Total # Females	14979	41.5%	# White Males	11971	33.3%
Total # Males	21038	58.5%	# Other Males	5415	15.1%
			# Black Females	3095	8.6%
			# White Females	8521	23.6%
			# Other Females	3363	9.3%

LOCATION OF COMPANY PERFORMING CONTRACT
Charlotte, NC

Total Workforce	257		# Black Males	61	23.7%
Total # Females	101	39.3%	# White Males	57	22.2%
Total # Males	156	60.7%	# Other Males	38	14.8%
			# Black Females	39	15.2%
			# White Females	41	15.9%
			# Other Females	21	8.2%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

5. Bid: Estimated Annual Requirements for Zinc Orthophosphate

Purpose of Bid: To establish a twelve months firm price contract for Zinc
Orthophosphate Corrosion Inhibitor (131.6 tons)

Comments: This chemical is used in the water treatment process to help reduce
corrosion control.

Opened: January 28, 2003

Bidders:	Calciquist, Inc.	*\$62,246.80
	Belmont, NC	\$473.00/ton
	Shannon Chemical	\$70,669.20
	Malvern, PA	\$537.00/ton

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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Total Workforce	15		# Black Males	3	20%
Total # Females	3	20%	# White Males	9	60%
Total # Males	12	80%	# Other Males	0	0%
			# Black Females	1	10%
			# White Females	2	10%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

6. **Bid:** **Contract Extension – Estimated Annual Requirements for Sodium Hypochlorite**

Purpose of Bid: To provide the Environmental Resources Department with a twelve (12) months firm price for sodium hypochlorite.

Comments: JCI has agreed to extend the contract with no price increase. This chemical is used in the drinking water treatment process.

Opened: July 5, 2002

Bidders: JCI Jones Chemicals *\$80,000.00
Charlotte, NC

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	308		# Black Males	46	15%
Total # Females	66	21%	# White Males	157	51%
Total # Males	242	79%	# Other Males	39	13%
			# Black Females	7	02%
			# White Females	54	17%
			# Other Females	5	02%

LOCATION OF PERFORMING CONTRACT

Charlotte, NC

Total Workforce	28		# Black Males	09	32%
Total # Females	04	14%	# White Males	15	54%
Total # Males	24	86%	# Other Males	00	0%
			# Black Females	00	0%
			# White Females	04	14%
			# Other Females	00	0%

Performance Bond: ☐ Waived ☒ Not Waived ☐ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

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Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

SUBJECT: BID REPORT – AUGUST 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes bids which were acted upon by the City Manager during the month of August 2003 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

September 5, 2003

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **August 2003**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Contract Extension -- Motorola 800 MHz System Maintenance Agreement**

Purpose of Bid: To provide the Communications Maintenance division with 800 MHz system maintenance for a period of twelve (12) months.

Comments: Motorola, Inc. is the sole source for this maintenance agreement.

Opened: June 1, 2000

Bidders: Motorola, Inc. * \$67,816.80
Greensboro, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	598		# Black Males	48	8%
Total # Females	104	17%	# White Males	417	70%
Total # Males	494	83%	# Other Males	29	5%

# Black Females	11	2%
# White Females	84	14%
# Other Females	8	1%

The SDBE Data Base was used in the solicitation of bids for this item.

Purpose of Bid: To provide the Communications Maintenance division with a firm price contract for Motorola radio parts.

Bidders:	Motorola, Inc. Greensboro, NC	* \$75,000.00
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WORKFORCE STATISTICS
CORPORATION STATISTICS

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

Purpose of Bid: To provide the South Durham WRF with (12) months janitorial/cleaning services.

Bidders:	Quality Janitor Service, Inc.	*\$879.90/mo
	Durham, NC	

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CORPORATION STATISTICS

Total Workforce	86		# Black Males	49	57%
Total # Females	34	40%	# White Males	1	1%
Total # Males	52	60%	# Other Males	2	2%
			# Black Females	31	36%
			# White Females	3	3%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

4. Bid: Contract Extension – Janitorial Services for Environmental Resources Administration Facility

Purpose of Bid: To provide the Environmental Resources Administration Facility with (12) months janitorial/cleaning services.

Comments: Tarheel Lawn & Building Maintenance has agreed to extend the contract with no price increase.

Opened: May 13, 2002

Bidders: Tarheel Lawn & Building Maintenance *\$1,392.92/mo
Raleigh, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	6		# Black Males	2	33%
Total # Females	4	67%	# White Males	0	0%
Total # Males	2	33%	# Other Males	0	0%
			# Black Females	4	67%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

5. Bid: Traffic Sign Reflective Sheeting

Purpose of Bid: To provide the Traffic Sign Division with Reflective Sheeting. Reflective Sheeting is used to make Traffic Signs.

Comments: The 3M Company did not bid on all of the required items, therefore their bid was deemed as non-responsive. Vulcan, Inc. is the lowest responsive bidder, bidding on all items.

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Opened: August 18, 2003

Bidders:	3M Company (non-responsive)	\$8,990.87
	Minneapolis MN	
	Vulcan, Inc. *	\$11,850.37
	Foley, AL	
	Hall Signs, Inc.	\$13,266.35
	Bloomington, IN	
	Korman Signs, Inc.	\$14,385.95
	Richmond, VA	

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	135		# Black Males	25	18%
Total # Females	27	20%	# White Males	80	60%
Total # Males	108	80%	# Other Males	3	2%
			# Black Females	4	3%
			# White Females	22	16%
			# Other Females	1	1%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

6. **Bid:** **Complete Traffic Signs**

Purpose of Bid: To provide the Traffic Sign Division with complete traffic signs

Comments:

Opened: August 18, 2003

Bidders:	Vulcan, Inc. *	\$15,555.50
	Foley, AL	
	Signs and Blanks, Inc.	\$15,886.00
	Akron, OH	
	Osburn Associates, Inc.	\$16,132.00
	Logan, OH	
	Whitco Sign & Manufacturing Corp.	\$17,031.00
	Springfield, MA	
	Hall Signs, Inc.	\$17,123.50
	Bloomington, IN	
	Korman Signs, Inc.	\$25,742.50
	Richmond, VA	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

October 6, 2003

Total Workforce	135		# Black Males	25	18%
Total # Females	27	20%	# White Males	80	60%
Total # Males	108	80%	# Other Males	3	2%
			# Black Females	4	3%
			# White Females	22	16%
			# Other Females	1	1%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

7. Bid: Perkin Elmer Maintenance Service Agreement

Purpose of Bid: This maintenance agreement is for the South Durham WRF laboratory equipment to analyze metal in the wastewater. This is a twelve month maintenance agreement.

Comments: Perkin-Elmer is the sole source for parts, sales and service of Perkin-Elmer Equipment.

Opened: N/A

Bidders: Perkin-Elmer Instruments *\$16,370.40
Norwalk, CT

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	941		# Black Males	32	3%
Total # Females	197	20%	# White Males	635	67%
Total # Males	744	80%	# Other Males	77	8%
			# Black Females	26	3%
			# White Females	137	15%
			# Other Females	34	4%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

**SUBJECT: PIGGY-BACK PURCHASE - AUTOMATED SIDE LOADING
REFUSE COLLECTION VEHICLES - CAROLINA
ENVIRONMENTAL SYSTEMS, INC.**

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Carolina Environmental Systems, Inc., in the amount of \$346,398 for providing the City with two Automated Side Loading Refuse Collection Vehicles; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN – ROBERTS COLLISION CENTER (D02-628)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan, submitted by the Credle Engineering Company, Inc., on behalf of Robert Roberts, consisting of a 7,500 square foot vehicle repair shop with 3 bays on 1.00 acre, zoned I-2, and F/J-B, located on the north side of Club Blvd., west of Dearborn Dr. and east of Glenbrook St, (Tax map 345-01-001C) (PIN 0832-07-78-4133), City Atlas: Page 18, Section D-2 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – HOPE VALLEY FARMS TOWNHOMES POD W (D03-079)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan and preliminary plat for 95 townhomes, in thirteen two-story buildings, including some units with basements, with 199 motor vehicle parking spaces, on an 11.887 acre site zoned O&I-2, located west of S. Roxboro Street, north of Juliette Drive and south of Martin Luther King, Jr. Parkway was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – MAIDA VALE SUBDIVISION (D03-178)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan and preliminary plat for “Maida Vale Subdivision”, submitted by R.L. Horvath Associates, Inc., on behalf of Maida Vale, LLC, for 53 single-family residential lots, 18 townhouse lots, a 1,470 square foot concierge building on approximately 41.2 acre site zoned PDR 1.73 and F/J-B, located south of Ephesus Church Road and west of George King Road, Tax reference 481-09-001, 485-03-017, 485-03-012, 485-03-014, 485-03-015, 485-03-016A, 485-03-013, PIN 9799-04-93-6512, 9799-04-92-7996, 0709-03-13-2120, 0709-03-13-0113, 0709-03-03-8187, 0709-03-03-6280, 0709-03-02-6827,

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City Atlas Page 41, Block A-4 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN – DURHAM CENTER FOR SENIOR LIFE (D03-292)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan and a floor area ratio reduction from 1 to 0.346 for “Durham Center For Senior Life”, submitted by Coulter Jewell Thames P.A., on behalf of Durham County, for a government facility/senior center with 65 parking spaces on an approximately 2.647 acre site zoned CT and DDO-2, located on the east side of Rigsbee Avenue, the north side of Seminary Avenue, and south side of Hunt Street, Tax Reference 061-06-002 and PIN 0821-08-98-9700, City Atlas Page 23, Block D-2 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT - RIDGEFIELD SUBDIVISION, PHASES 7A, 7B, 8A AND 8B (D03-337)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan and preliminary plat for “Ridgefield Subdivision, Phases 7A, 7B, 8A and 8B”, submitted by Diehl and Phillips P.A. on behalf of E. D. Associates, LLC, for 208 single-family residential lots on approximately 69.39 acre site zoned PDR 2.85 and F/J-B, located west side of Fletchers Chapel Road, north of Mineral Springs Road and south of Brightwood Lane, Tax reference 671-01-011, 008C, PIN 0852-04-60-2605 (partial), 0852-04-61-0414 (partial), City Atlas Page 26, Block C-3 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN – DAVIS AMBULATORY ADDITIONS (D03-387)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for “Davis Ambulatory Additions”, submitted by O’Brien/Atkins Associates on behalf of Associated Health Services, for a total of 4,032 square feet of additions to an existing medical office building on a 4.3 acre site zoned OI-2 and F/J-B, located on the south side of East Carver Street between North Roxboro Street and Ben Franklin Boulevard, Tax Reference 741-01-002A and PIN-0833-13-03-5604, City Atlas Page 18, Block A-4 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: ECONOMIC DEVELOPMENT LOAN PROGRAMS - MUTUAL COMMUNITY SAVINGS BANK

To authorize the City Manager to begin operation of the Opportunity Loan Program through the Office of Economic and Employment Development; and

To authorize the City Manager to begin operation of the Downtown and Commercial Revitalization Loan Program through the Office of Economic and Employment Development; and

To authorize the City Manager to execute a contract amendment with Mutual Community Savings Bank to provide loan origination and servicing for Opportunity Loan Program loans from program onset through March 31, 2004.

Note: This item was moved to the October 9, 2003 City Council Work Session.

SUBJECT: SUB-RECIPIENT AGREEMENT - DEVELOPMENT VENTURES GOLDEN BELT WINDOW INSTALLATIONS – BUILDING #2

To authorize the City Manager to execute a sub-recipient agreement with Development Ventures Incorporated in an amount of \$200,000 from CDBG funds to participate in the cost of installing historically accurate windows in Building #2 of the Golden Belt Facility; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Note: As a priority item, the City Manager requested that this item be postponed.

SUBJECT: SUB-RECIPIENT AGREEMENT - CALVERT PLACE ACQUISITIONS - COMMUNITY BUILDERS, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a sub-recipient agreement with the Community Builders, Inc., in an amount up to \$175,000 from CDBG funds to purchase private properties in the vicinity of Calvert Place; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: CONTRACT FOR LAND PLANNING AND LANDSCAPE ARCHITECTURE SERVICE FOR BETHESDA PARK MASTER PLAN - WOOD + PARTNERS, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Wood + Partners, Inc., for master plan development for Bethesda Park for the sum of \$72,950 with a contingency of \$15,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ROUTINE DETERMINATIONS FOR TRAFFIC CONTROL DEVICES IN THE CITY OF DURHAM

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an "Ordinance Amending Chapter 20 of the Durham City Code to Allow the City Manager to Make Routine Determinations Regarding Traffic Control Devices in the City of Durham" was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12871

SUBJECT: QUARTERLY SDBE REPORT ON THE AMERICAN TOBACCO PROJECT

To receive a presentation on the Quarterly Small Disadvantage Business Enterprise Report on the American Tobacco Project.

Note: This item was moved to the October 9, 2003 Work Session.

SUBJECT: CANARY COALITION

To request Council to support a request to repeal Environmental Protection Agency's "Routine Maintenance" ruling.

Note: This item was moved to the October 9, 2003 Work Session.

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SUBJECT: MANAGED COMPETITION UPDATE

To receive an update from the Managed Competition Citizen's Committee.

Note: This item was moved to the October 9, 2003 Work Session.

SUBJECT: MONTHLY CRIME REPORT – JULY & AUGUST 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Monthly Crime Report from the Police Department was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MELVIN WHITLEY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Melvin Whitley requesting a percentage of Capital Improvement Program funds be used for deteriorating neighborhoods was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: H. JEFF MELVIN

To receive comments from H. Jeff Melvin on widening E. Geer Street for DATA's buses to enter Eastview Street.

Note: This item was moved to the October 9, 2003 Work Session.

**SUBJECT: ORDINANCES ESTABLISHING FAIR HOUSING COMPLIANCE
GRANT FUNDING FOR FY 2003 – U. S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT**

To adopt the "City of Durham Grant Project Ordinance HUD Fair Housing Partnership Initiative Funding for FY 2003-2004"; and

To adopt the City of Durham Grant Project Ordinance HUD Fair Housing Compliance Funding for FY 2003-2004"; and

To authorize the City Manager to execute applicable grant award and amendment forms concerning the City's Cooperative Agreement for Fair Housing with the U.S. Department of Housing and Urban Development.

***Note: This item was approved at the 9/25/03 Work Session with a vote of 7/0.
Ordinance #s 12869 - 12870***

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SUBJECT: HURRICANE ISABEL- MUTUAL AID – HERTFORD AND GATES COUNTIES

A report was received at the 9/25/03 Work Session.

SUBJECT: RESOLUTION HONORING MANAGER BILL EVERS AND THE DURHAM BULLS

To adopt a “Resolution Honoring Manager Bill Evers and The Durham Bulls”

Note: This item was approved at the 9/25/03 Special City Council Mtg. with a vote of 7/0. Resolution #9042

SUBJECT: DURHAM BOARD OF ADJUSTMENT – MAYOR’S NOMINEE FOR APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Spurgeon S. Thurston (Mayor's Appointee) to the Durham Board of Adjustment as a Regular Member with a term expiring June 30, 2004 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

Relative to WIA Contracts Items 17 [Durham Public Schools], 18 [Department of Social Services], and 19 [Center for Employment Training] -- Mayor Pro Tempore Cheek asked questions that were answered by staff concerning the differences in the various programs in terms of number of individuals served and the amount of money dedicated to each program.

SUBJECT: WIA CONTRACT FOR YOUTH SERVICES WITH DURHAM PUBLIC SCHOOLS

Council Member Clement made comments on the letter the City Manager received from Superintendent Denlinger concerning in-school resource officers. He asked the City Manager to keep Council informed as to the outcome of these deliberations.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Durham Public Schools for \$156,288 for WIA-funded Youth Services; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are

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consistent with the general intent of the existing version of the contract was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WIA CONTRACT FOR YOUTH SERVICES WITH DURHAM COUNTY DEPARTMENT OF SOCIAL SERVICES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract for \$60,000 with Durham County Department of Social Services for WIA-funded Youth Services; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WIA YOUTH SERVICES CONTRACT WITH THE CENTER FOR EMPLOYMENT TRAINING

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with The Center for Employment Training for \$101,087 for WIA-funded Youth Services; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WIA FUNDED CONTRACT WITH KIP STOTTLEMYER AND ASSOCIATES TO DEVELOP A YOUNGER YOUTH SKILL ATTAINMENT SYSTEM

Mayor Pro Tempore Cheek raised a concern that the administration did not have the Youth Skill Attainment System in place since it was a state requirement for the last two years.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract for \$10,600 with Kip Stottlemeyer and Associates to develop a Younger Youth Skill Attainment System for Durham; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: FY 2003-2004 CONTRACTUAL AGREEMENT WITH
CONSUMER CREDIT COUNSELING SERVICE OF DURHAM**

Council Member Edwards asked questions that were answered by staff concerning the amount, services provided and how program will be monitored.

MOTION by Council Member Edwards seconded by Council Member Stith to authorize the City Manager to execute a performance based contractual agreement with Consumer Credit Counseling Service in an amount not to exceed \$75,000 from CDBG funds for counseling service; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: 2004 BENEFITS RECOMMENDATIONS

To receive a presentation on the 2004 Benefits Recommendations; and

To authorize the City Manager to approve the following contracts for the City of Durham 2004 Benefits Plan: (1) WellPath (2) Delta Dental (3) Duke Occupational Mental Health Services (4) North Carolina Mutual (5) Colonial (6) TransAmerica and (7) Blue Cross/Blue Shield.

Council Member Clement disclosed that he is a retired employee of North Carolina Mutual and will not benefit from this item. Also, he raised a concern with the City doing business with Blue Cross & Blue Shield.

Relative to Retiree Medicare Supplemental Plan, Michael McGinnis noted Blue Cross and Blue Shield was the only bid received through the request for proposal process.

Council Member Clement requested that Item # 7 [Blue Cross and Blue Shield] be severed.

Mayor Bell asked what would be the impact on not providing this option to our employees.

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City Manager Conner noted there would be an additional cost to retirees.

Council Member Clement outlined the reason for severing this item. He discussed the action taken by Blue Cross and Blue Shield in the litigation of Orange County and New Hanover County and its impact on Durham County with respect to the Human Relations Commission.

Several members of Council expressed a concern with passing additional cost on to retirees.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the 2004 Benefits Recommendations; and

To authorize the City Manager to approve the following contracts for the City of Durham 2004 Benefits Plan: 1) WellPath - Fully Insured Health Care Plan; 2) Delta Dental - Self Insured Dental Plan; 3) Duke Occupational Mental Health Services – EAP & Self Insured Mental Health Plan; 4) North Carolina Mutual - Group Term Life Insurance Plan; 5) Colonial – Flex Spending Administration and Employee Paid Insurance Plans; and 6) TransAmerica - Employee Paid Long Term Care Plan was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to approve a contract with Blue Cross and Blue Shield – Retiree Group Medicare Supplemental Insurance Plan was approved at 8:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Edwards and Stith. Noes: Council Members Clement and Cole-McFadden. Absent: None.

SUBJECT: AUDREY MITCHELL

To receive comments from Audrey Mitchell on concerns in the Walltown Neighborhood.

Housing Director Charlene Montford provided a memo dated October 6, 2003 which is a follow-up from the September 25, 2003 Work Session on the Walltown Neighborhood concerns. She made comments that the condition of the lawn at 914 Onslow Street had worsened, stated that attempts have been made to contact Ms. Passmoore and she has been sent a weedy lot letter with a compliance date of October 20, 2003.

Public Works Director Katie Kalb updated the Council on the visit made by Roadway Appearance to this site. She made comments on the two peach trees planted on the area between the sidewalk and curb and the 12-inch vegetation.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Audrey Mitchell on concerns in the Walltown Neighborhood; and

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To receive a report on the Walltown Neighborhood concerns was approved at 8:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: EVENTS CENTER PROPOSALS - AMERICAN CENTER FOR THE PERFORMING ARTS ASSOCIATES

To designate American Center for the Performing Arts Associates as the preferred developer for 3-6 months to produce a final development and operational plan; and

To authorize the City Manager to execute an MOU with the development team that identifies tasks to be completed during the 3-6 month period of time; and

To authorize the City Manager to negotiate business deal points for Council's consideration for the development and operation of an Event Center with American Center for the Performing Arts Associates; and

To authorize the City Manager to execute an agreement with American Center for the Performing Arts Associates to assess the Sanford Institute option in an amount not to exceed \$65,000.

Council Member Stith expressed a concern with the 4th motion. He noted that at the Work Session it was indicated that discussions have not been held with the Sanford Institute; therefore, he would not be supporting any expenditure of funds until there would be an indication of a different outcome.

City Manager Conner noted based on discussions she had earlier, it is appropriate if Council desires to sever this item from the motion. Relative to questions raised at the Work Session regarding SDBE plan for the consultant, the City Manager noted this is the first phase with the consultant and when the development plan comes back for Council's approval there will be a full SDBE plan on the construction and development.

Council Member Cole-McFadden noted special attention should be made now to develop a relationship with Durham Technical Community College to prepare local businesses to learn special trades for participation on this project.

Phil Szostak, local developer/architect, made comments on special trades issue, the two partners who will start the design and construction process for this project. Also, he noted that he would like to keep the Sanford Institute roots here for the downtown theatre.

Council Member Best asked the administration has the Sanford Institute been approached.

Economic Development Director Alan DeLisle replied no.

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Council Member Best expressed a concern that if the Sanford Institute is not on board there would be two different theatres in the triangle competing against each other.

Alan DeLisle noted at this time the Sanford Institute issue is being set aside until that interest is expressed in such a way that the City Manager and Council feel comfortable at which time the administration would come back to Council with the motion to proceed.

Council Member Best asked staff to provide a definite timeline, who's on board and who's not and the actual figure including how much it will cost taxpayers.

Alan DeLisle noted the administration will come back with a specific financial plan that identifies financiers, cost to taxpayer and the risk issues as it relates to the operational plan along with business deal points that will show the direction that staff is heading.

MOTION by Council Member Stith seconded by Council Member Clement to designate American Center for the Performing Arts Associates as the preferred developer for 3-6 months to produce a final development and operational plan; and

To authorize the City Manager to execute an MOU with the development team that identifies tasks to be completed during the 3-6 month period of time; and

To authorize the City Manager to negotiate business deal points for Council's consideration for the development and operation of an Event Center with American Center for the Performing Arts Associates was approved at 8:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

**SUBJECT: TRIANGLE REGION TRANSIT CONSOLIDATION/
IMPLEMENTATION PLAN**

Chris Tiffany, 611-F Lawson Street, made comments expressing a concern with unfair fares for teenagers.

Lillian Lyons, of 506 Hope Avenue, read a paragraph from an article dated September 26, 2003 in THE HERALD-SUN concerning citizen's involvement during this process.

Mayor Bell noted the public will have ample opportunity to be heard on this proposal before any final action is taken.

Council Member Clement read a statement noting the Memorandum of Understanding (MOU) should include the following:

1) Be detailed enough to assure that the service provided in Durham prior to the securing of dedicated funding will be decided upon by Durham, and the service provided in Durham after dedicated funding is secured would be decided upon by the

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governing board of the regional transit system using service standards applied consistently for like services; 2) That it clearly spell out the process for full Durham citizens and DATA riders participation in the merger process; 3) That it clearly identify a new regional transit system, with a new name and a new image that would absorb all local transit systems including TTA and not TTA absorbing local transit systems; 4) That it would not in any way prevent DATA from implementing its annual planned service improvements; 5) That it would be detailed enough so that all DATA employees including contract employees would know where they fit in the new organization so that when it comes time for us to vote on the MOU, Council Members will know from all Durham employees if they are satisfied with the agreement or not. He noted Council Members need to find a way to fund DATA until a dedicated funding is found for the merged regional system. Also, he asked the Mayor what is the timeline of consummating the Memorandum of Understanding and how will the bus customers be involved in this process.

Mayor Bell made comments about the timeline outlined in the Consolidation Plan.

Council Member Clement noted he would like for the bus riders from all jurisdictions to sit down with the planners to be involved in the process on-going. Also, he noted bus riders coming to a public hearing is not sufficient.

Mayor Bell noted he would recommend that when those task groups are put together that they consist of members from the public.

Council Member Stith raised a concern with Item 2 in the resolution noting there are a whole lot of unanswered questions and details such as rates on citizens, impact of routes, funding, etc. He suggested that the wording be changed from The Council supports the concept to The Council supports *pursuing* the concept.

Mayor Bell and Mayor Pro Tempore Cheek made comments in support of this item as printed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to adopt the "Resolution Regarding the Triangle Region Transit Consolidation/Implementation Plan (the Plan) that acknowledges receipt of the Plan that, among other things, supports the concept of phased consolidation of transit in the Triangle region; and

To authorize the City Manager to negotiate a Memorandum of Agreement for Consolidation was approved at 9:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, and Edwards. Noes: Council Member Stith. Absent: None.

Resolution #9043

**SUBJECT: AGREED UPON PROCEDURES FOR JOINT CITY/COUNTY
 PROJECTS AND INTERLOCAL AGREEMENT**

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**RECONCILIATION SETTLEMENT WITH BUDGET
AMENDMENT – DURHAM COUNTY**

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to settle the Agreed-Upon Procedures for Joint City/County Projects, Phase I and Phase II by payment of \$583,431 to Durham County from the Water and Sewer Fund Balance; and

To authorize the City Manager to accept \$497,745 from Durham County for settlement of various inter-local agreement reconciliation for FY96 through FY99, inclusive of the payment for 800Mhz radios; and

To adopt “An Ordinance Amending the 2003-04 City of Durham Budget Ordinance, the same being Ordinance 12814” was approved at 9:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12872

SUBJECT: PROPOSED SALE OF CITY TRACTS #2072, PARCEL ID 134634, PIN 0820-13-03-1206, TAX MAP 415-5-003 AND CITY TRACT #2073 PARCEL ID 134633, PIN 0820-13-1306, TAX MAP 415-05-002 - TICON, INC. – MARTIN LUTHER KING, JR. PARKWAY

MOTION by Council Member Clement seconded by Council Member Stith to declare City Tract 2072, Parcel ID 134634, PIN 0820-13-03-1206, Tax Map 415-5-003 and City Tract #2073, Parcel ID 134633, PIN 0820-13-03-1306, Tax Map 415-05-002-surplus and approve the sale of these properties to Ticon, Inc. for \$15,000, under the authority of chapter 86 of the City Charter was approved at 9:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM CITY-COUNTY INTERLOCAL COOPERATION AGREEMENT FOR THE PLANNING DEPARTMENT

To authorize the City Manager to execute the Interlocal Cooperation Agreement for the Planning Department.

City/County Planning Director Frank Duke noted currently there is no rotation requirement for Chair of the Planning Commission; however, this revised Interlocal Agreement would establish that requirement but also would create an opportunity where if no County employees were willing to serve as Chair or Vice Chair then you could have both the Chair and Vice Chair coming from the City or vice versus.

Council Member Clement spoke in support of the chairmanship rotating between the City and County.

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Council Member Stith raised a concern with allowing members of the Planning Commission to be permitted a grace period of up to 30 days for delinquent taxes and a non-elected official having a live vote on an elected official board.

A motion was made by Council Member Cole-McFadden seconded by Council Member Edwards to approve this item as printed on the agenda.

A substitute motion was made by Council Member Stith seconded by Council Member Best to not allow a 30 day grace period for delinquent taxes for persons serving on Planning Commission; to allow the Planning Commission Chair to remain as ex-officio member [to leave actual votes to elected officials] and to require rotation of Chair between the City and County every two years.

Relative to an ex-officio person being allowed to vote, Council Member Cole-McFadden noted one of the problems is a presence of a quorum [the Chair is present but elected officials are not always there].

Mayor Bell noted he does not have a problem with persons having a vote if the Committee has appointed them, but expressed a concern with delinquent taxes since it is a requirement of all persons serving on Council committees.

SUBSTITUTE MOTION by Council Member Stith seconded by Council Member Best to not allow a 30 day grace period for delinquent taxes for persons serving on Planning Commission; to allow the Planning Commission Chair to remain as ex-officio member [to leave actual votes to elected officials] and to require rotation of Chair between the City and County every two years **FAILED** at 9:28 p.m. by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Absent: None.

MOTION by Council Member Cole-McFadden seconded by Council Member Edwards to authorize the City Manager to execute the Interlocal Cooperation Agreement for the Planning Department **FAILED** at 9:31 p.m. by the following vote: Ayes: None. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

For clarification, Frank Duke noted the focus of taxes has been on the Planning Commission but the Interlocal Agreement also covers the Board of Adjustment as well.

MOTION by Council Member Cole-McFadden seconded by Council Member Edwards to authorize the City Manager to execute the Interlocal Cooperation Agreement for the Planning Department with the exception of permitting a grace period of up to 30 days for payment of City and County taxes was approved at 9:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Noes: Council Members Best, Clement and Stith. Absent: None.

SUBJECT: DURHAM BILL OF RIGHTS DEFENSE COMMITTEE

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To adopt a “Resolution by the City Council of the City of Durham Concerning the USA Patriot Act”.

City Manager Conner noted the Police Department will not take a position one way or the other on this item since they will have to enforce laws passed by the federal government. She noted staff’s recommendation would be to adopt a resolution similar to the Durham County resolution and not the Orange County resolution. For clarification, she noted Resolution #2 is the one drafted by the City Attorney’s Office and staff.

Assistant City Attorney McGirt read Resolution #2 for discussion.

City Manager Conner outlined the wording difference between Resolution 2 [Durham County Library] and 3 [Durham County].

Joan Walsh, of 2403 Prince Street, spoke in support of this item urging Council to pass the strongest resolution that sets the tone for civil rights and respect for freedom in Durham.

Ray Ubinger, of 1917 Glendale Avenue, spoke in favor of this matter urging Council to support Resolution 2 or 3 in addition to Resolution 1.

Dabney Hopkins, of 1700 Sprunt Avenue, expressed concern with provisions of the Patriot Act urging Council to support the strongest possible resolution.

Steven Matherly, of 2022 W. Club Boulevard, urged Council to adopt a resolution stating that the City of Durham will not through the use of its agencies or Police Department assist in the implementation of any part of the Patriot Act which infringes on the rights of citizens.

Chris Tiffany, of 611-F Lawson Street, asked Council to support Resolution #1.

Council Member Cole McFadden spoke in support of Resolution #1.

A motion was made by Mayor Pro Tempore Cheek to adopt Resolution #3. Motion dies for a lack of a second.

A motion was made by Council Member Clement seconded by Council Member Cole-McFadden to approve Resolution #1.

City Manager Conner briefed Council on why the Police Department and City Attorney’s Office did not support Resolution # 1. She made comments on the third clause from the bottom [City law enforcement agencies are directed] noting that Police Officers cannot ignore laws that are on the books that have been passed that they must enforce. Also, she asked Council to sever that clause because it’s in conflict with the oath they take as public safety officers.

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Assistant City Attorney McGirt stated the City Attorney's Office reviewed all three drafts [Resolutions 1, 2 and 3] and is of the opinion that all three are lawful.

After discussion of two legal opinions, Assistant City Attorney McGirt suggested that this item be continued to the City Council Work Session to receive an in-depth report.

Council Member Stith asked the City Attorney's Office to address the issue of how this does not put police officers in jeopardy of breaking the law.

SUBSTITUTE MOTION by Council Member Edwards seconded by Council Member Best to refer this item to the October 9, 2003 City Council Work Session was approved at 10:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Best seconded by Council Member Edwards to extend the meeting beyond 10:00 p.m. was approved at 10:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: RUTH SHEPARD POOLE

To receive comments from Ruth Shepard Poole regarding a ditch at 2408 Ashe Street.

Ruth Poole, of 2405 Owens Street, noted for approximately 25 years she has tried to get the City to clear the ditch from the debris that comes from two of their drainages. She requested the City to clean out drains at 2408 Ashe Street.

Public Works Director Katie Kalb made comments on this item [additional handout provided]. She informed Council that this is a priority 3 but attached to priority 1 projects that will be fixed this spring. Also, she noted the City is not planning on piping the ditch because it is a priority # 3 project.

Ms. Poole noted the stormwater goes into her ditch creating flooding and erosion of soil problems.

Council Member Cole-McFadden requested staff to fix this problem.

Mayor Pro Tempore Cheek raised a concern with moving this item from priority 3 to a priority 1 project.

Mayor Bell noted it's clear the flooding issue is caused by pipes from the City. He asked staff if this problem can be fixed.

Katie Kalb replied no. She noted the City couldn't stop the pipes from putting water from the street into the ditch.

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Mayor Bell asked the administration to come back with a staff report on how this issue can be fixed.

MOTION by Council Member Cole-McFadden seconded by Council Member Clement to receive comments from Ruth Shepard Poole regarding a ditch at 2408 Ashe Street; and

To direct the administration to correct the drainage problem noted by Ms. Poole was approved at 10:19 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: Mayor Pro Tempore Cheek. Absent: None.

SUBJECT: ZURI AND ASSOCIATES, INC. REQUEST LOAN PREPAYMENT

To authorize the City Manager to deny the Zuri and Associates, Inc. request for prepay of the City's loan using discounted cash flows (\$250,000) and removal of the lien.

Note: As a priority item, the City Manager requested that this item be referred to the October 9, 2003 City Council Work Session.

SUBJECT: AMENDMENT TO THE ECONOMIC DEVELOPMENT INITIATIVE – SPECIAL PROJECTS (HUD #B-01-SP-NC-0349) BY THE CITY OF DURHAM AND CALVARY MINISTRIES OF THE WESTEND COMMUNITY, INC.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute the amendment to the Economic Development Initiative-Special Projects (HUD #B-01-SP-NC-0349) Sub-recipient Agreement with Calvary Ministries of the Westend Community, Inc., and

To make minor changes to the agreement as are necessary to be consistent with existing contract language and intent was approved at 10:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: JAMES JOYCE BAR

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt "An Ordinance Repealing Section 4-5 of the Durham City Code Regarding Location of Poolrooms, Bowling Alleys, and Similar Establishments" was approved at 10:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12873

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SUBJECT: STORM DEBRIS ISSUES

To receive a presentation on the Storm Debris Issues.

Billy Smith gave an update on the storm debris from Isabel making comments on the Transfer Station issue.

Mayor Bell requested staff to come back with a report including the cost and resources it would take to complete this job by November 20, 2003.

Note: No action was taken by Council on this item.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED PRIOR TO
APRIL 1, 2003 - RAVENSTONE DEVELOPMENT – LEBANON
VOLUNTEER FIRE DEPARTMENT**

Budget Director Julie Brenman made comments on this voluntary annexation noting the Ravenstone Development has a positive projected cash flow.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Stith seconded by Council Member Best to receive citizens' comments concerning the annexation of the Voluntary Annexation Areas for Ravenstone Development (FY 2003 - #22); and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to modify an existing half-base contract with the Lebanon VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts effective from and after December 31, 2003 was approved at 10:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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Ordinance #12874

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED PRIOR TO
JULY 1, 2003**

Budget Director Julie Brenman made comments on the voluntary annexations noting they both have positive projected revenues.

a) Oakhurst – Phase 2 (FY2004 - #03) – Parkwood Volunteer Fire Department

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments concerning the voluntary annexation of Oakhurst – Phase 2; and

To adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to modify an existing half-base contract with the Parkwood VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts effective from and after December 31, 2003 was approved at 10:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12875

b) Agape Corner School (FY2004 - #04) – Redwood Volunteer Fire Department

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments concerning the voluntary annexation of Agape Corner School; and

To adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to modify an existing half-base contract with the Redwood VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts effective from and after December 31, 2003 was

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approved at 10:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12876

SUBJECT: LAND USE PLAN AMENDMENT – HOPE VALLEY FARMS POD MM (A03-06) – COULTER, JEWELL, THAMES, P.A. C/O DAN JEWELL – WEST SIDE OF SOUTH ROXBORO ROAD

City/County Planning Director Frank Duke briefed Council on the plan amendment.

Mayor Bell opened the public hearing.

Attorney Ken Spaulding, representing the applicant, spoke in support of this amendment.

Mayor Bell closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive public comments on Plan Amendment Case A03-06 (Hope Valley Farms POD MM), and

To adopt a resolution to change the land use designation on the Future Land Use Map of the South Durham Plan from low density residential and high density residential to medium density residential was approved at 10:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #9044

SUBJECT: REZONING MATTER CASE P02-55 – BELVINS PROPERTY – THE JOHN R. MCADAMS COMPANY, INC. – ON THE SOUTHEAST AND SOUTHWEST CORNERS OF THE INTERSECTION OF HEBRON ROAD AND DANUBE LANE

To receive public comments on rezoning Case P02-55 (Belvins Property); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-55 out of R-20; F/J-B and placing same in and establishing same as PDR 4.99, F/J-B.

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Denial - (5-1)

Note: Protest petition insufficient due to withdrawal of signatures.

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City/County Planning Director Frank Duke briefed Council on the staff report noting this item was discussed at the August 18 and September 15, 2003 City Council Meetings. He gave an overview of committed elements and school impacts. He noted this request is consistent with the small area plan; staff recommended approval and the Zoning Committee recommended denial.

Mayor Pro Tempore Cheek asked staff if the Zoning Committee's recommendation of denial occurred prior to the number of changes, have the recommendations by DOST been met and have some of the roadway improvements that were recommended at some point which were not committed, but are now committed elements.

City/County Planning Director Frank Duke replied yes to all questions. He noted since the Zoning Committee hearing, changes made were not significant enough to go back to the Committee.

Mayor Bell opened the public hearing.

Proponent

Jack Markham, representing the applicant, spoke in support of rezoning request. He noted the developer has reduced the density, will be adding the possibility of an on-site daycare center, two miles of internal trails and significant road improvements including the widening of Denfield intersection which is not a required improvement. Also, he stated that there would be no lots located in floodplains, wetlands or stream buffers. Mr. Markham noted the developer will surpass the ordinance on stormwater requirements in controlling runoff by over designing and over constructing stormwater detention devices to detain the larger portion of the runoff and the stream crossing has been eliminated as requested DOST. Finally, he urged Council to approve rezoning request.

[EXCUSED FROM MEETING – COUNCIL MEMBER EDWARDS]

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to excuse Council Member Edwards from the meeting was approved at 10:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Opponent

LaVonnia Allison, of 1315 McLaurin Avenue, spoke in opposition to this rezoning request. She raised a concern that the meeting she requested with Mr. Markham had not happened prior to this time. She noted proposal is insensitive and inconsistent to the people in the surrounding areas raising a concern with the issues of density, school impact, mass grading and environmental. She urged Council to delay this matter until questions have been answered and individuals in the neighborhood have been contacted.

Rebuttal

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Jack Markham, representing the applicant, gave an overview of neighborhood involvement at meetings noting that the applicant hand-delivered packages [letter/earlier development plan] to each home in Hillview Terrance inviting them to a meeting at Mt. Level Baptist Church which only 13 to 15 attended and residents of the area did not show up for the Zoning Committee meeting. He commented on August 1st letter sent to Dr. Allison and notices sent to area residents by the applicant or from the City that is required. Also, he noted proposal is consistent with the North Durham plan and urged Council to approve rezoning.

Council Member Cole-McFadden expressed traffic impacts on Denfield Street.

Wesley Parham, of the Transportation Department, noted at the intersection of Horton Road there is a significant inadequate left-turn lane, staff identified and recommended that the developer make one of the committed elements the extension of that turn lane to accommodate the existing deficiencies as well as the additional traffic generated by the site and as noted by the City/County Planning Director, the developer has agreed to make that a committed element of the development plan. Therefore, that improvement on Denfield would be required at this development.

Council Member Cole-McFadden asked staff are there plans to widen Denfield from Mt. Level Baptist Church to Captain D's and asked the applicant what impact would this development have on existing values of homes.

Wesley Parham replied no.

Jack Markham noted it should raise the value.

MOTION by Council Member Best seconded by Council Member Stith to receive public comments on rezoning Case P02-55 (Belvins Property); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-55 out of R-20; F/J-B and placing same in and establishing same as PDR 4.99, F/J-B was approved at 11:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

SUBJECT: REZONING MATTER CASE P03-20 – PAGE ROAD BUSINESS PARK – RICE & ASSOCIATES - WEST SIDE OF PAGE ROAD NORTH OF COMSTOCK ROAD INTERSECTION

To receive public comments on rezoning Case P03-20 (Page Road Business Park); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-20 out of RD and placing same in and establishing same as GC(D), RM-16(D) and OI-2(D).

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Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Denial - (4-2)

City/County Planning Director Frank Duke briefed Council on the staff report highlighting the committed elements. Also, he informed Council that there was an error in the staff report dealing with the roadway improvements that are below the first series of committed elements and the second series of items should not be referred to as committed by this development, but should read: The following improvements are committed by other approved developments and may be required by the proposed development. Also, he noted proposal is consistent with the Triangle Township Plan and staff recommends approval and Zoning Committee recommended denial citing school concerns.

Mayor Pro Tempore Cheek asked staff if there were responses from the neighborhood.

City/County Planning Director Frank Duke noted notices were sent out but no citizens attended the Zoning Committee hearing. He noted that the only speaker at that hearing was the applicant and no one has made any contacts in opposition to this rezoning.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Gregg Sandreuter, representing the applicant, spoke in support of this rezoning. He noted proposal is consistent with plan, made comments on the site plan and urged Council to support this rezoning.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Best to receive public comments on rezoning Case P03-20 (Page Road Business Park); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-20 out of RD and placing same in and establishing same as GC(D), RM-16(D) and OI-2(D) was approved at 11:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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There being no further business to come before the City Council, the meeting was adjourned at 11:11 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk